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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,160	11/26/2001	Matti Seppa	NOK114-00012	2114
30973	7590	07/06/2006	EXAMINER	
SCHEEF & STONE, L.L.P.			SHAND, ROBERTA A	
5956 SHERRY LANE				
SUITE 1400			ART UNIT	PAPER NUMBER
DALLAS, TX 75225			2616	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,160

Applicant(s)

SEPPA ET AL

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15, 17-21, 24-27 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15, 17-21, 24-27 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "handle an indication of an expiry of the further timer as it would be an indication from the timer function".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-14, 16-21, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon in view Fong (U.S. 6931569 B2).

4. Regarding claims 1, 29 and 30 Moon teaches (cols. 44-45, line 34) a method comprising: activating a data channel between a first (UE) and a second (UTRAN) station; starting a timer function (fig. 26C, element 2623); maintaining the data channel in a ready state until the timer function indicates an expiry of a predetermined period (fig. 26C, element 2624); initiating transmission of data on the data channel; preventing the data channel to change from the ready state to another state based on the timer function until a predefined event (fig. 26C, element 2651, during this step the status of the channel is not changed until the timer period).

5. Moon does not explicitly teach changing the state of the data channel to the other state based on an indication by a further timer in a layer lower than the timer function.

6. Fong teaches (fig. 7 and col. 8, line 36 – col. 9, line 17) changing the state of the data channel to the other state based on an indication by a further timer in a layer lower than the timer function. Fong teaches when a packet is loss, a layer two or link layer timer is set and therefore the ARQ process is stalled for a period of time to recover frames. It would have been obvious to one of ordinary skill in the art to adapt this to Moon's system to avoid delay within the system.

7. Regarding claims 2 and 17, Moon teaches (fig. 26C) at least one timer of the timer function is stopped until an indication of the event.

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8. Regarding claims 3, 6 and 20, Moon teaches (fig. 26C) at least one timer is reset upon receipt of the indication.
9. Regarding claims 4 and 19, Moon teaches (fig. 26C) at least one timer is restart upon receipt of the indication.
10. Regarding claims 5 and 18, Moon teaches (fig. 26C) the timer function is ignored until an indication of the event.
11. Regarding claims 7 and 21, Moon teaches (fig. 26C) the event comprises an indication that the data transmission has ended (2624).
12. Regarding claim 8, Moon teaches (fig. 26C) the timer is prevented from having impact on the state of the data channel during data transmission.
13. Regarding claim 9, Moon teaches (fig. 26C) the length of the predefined period is set during the activation of the data channel based on a timer value.
14. Regarding claim 10, Moon teaches (col. 2, lines 35-60) the state of the data channel is changed to other state based on an indication by a further timer.
15. Regarding claim 11, Moon teaches (col. 2) the further timer is implemented by a logical link control function.

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16. Regarding claim 12, Moon teaches (col. 2) an indication of the expiry of the further timer is handled by the system as it would be an indication from the timer function.

17. Regarding claims 13 and 26, Moon teaches (col. 1, line 64 – col. 2, line 10) the first station comprises a mobile station and the second station comprises a base station of a cellular communication system.

18. Regarding claim 14, Moon teaches (col. 3, lines 46-57) the data channel that is in the ready state prevents communication over another channel between the two stations (it is inherent in Moon's system in teaching dedicated channels that the communication between the UE and the UTRAN is over one channel at a time).

19. Regarding claim 16, Moon teaches (col. 44 – col. 5, line 34) a system comprising: a first (UE) station and a second (UTRAN) station wherein a data channel can be established for communication between the stations; a timer function for provision of an indication based on which the state of a data channel is changed from a ready state to another state (fig. 26C, element 2623); a control function responsive to the timer for controlling the state of the channel such that the data channel is prevented to change from ready to another state based on the timer until a predetermined event has occurred (the timer is not question for expiry until CPCH ACK is received over FACH).

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20. Regarding claim 28, Moon teaches (col. 44 – col. 45, line 34) a station comprising: means for establishing a data channel for communication between the (UE) station and another (UTRAN) station; a timer function for provision of an indication based on which the state of a data channel is changed from a ready state to another state (fig. 26C, element 2623) wherein the data channel is prevented to change from ready to another state based on the timer until a predetermined event has occurred (the timer is not question for expiry until CPCH ACK is received over FACH).

21. Regarding claim 31, Fong teaches (col. 8, line 36 – col. 9, line 17) the further timer is implemented in a logical link control entity.

22. Regarding claims 32 and 33, Moon teaches (fig. 26C) the timer function comprises at least one timer that can be stopped until occurrence of the predefined event.

23. Regarding claim 34, Moon teaches (fig. 26C) the timer function is ignored until the occurrence of the predefined event.

24. Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon in view Fong and further in view of the admitted prior art.

25. As mentioned above Moon and Fong teach all of the limitations of claim 1.

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26. Moon does not teach TETRA. However, in applicant's Background of the invention TETRA is mentioned as an open digital professional mobile radio standard. It would have been obvious to one of ordinary skill in the art to use TETRA in Moon and Fong's system as it is well known in the art by applicant's own admission.

27. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Fong and further in view of Labonte (U.S. 5991286).

28. As mentioned above, Moon teaches all of the limitations of claim 16.

29. Moon does not teach the timer function is implemented on such a layer of a connection function model that is higher than a layer of the model on which the data communication functionality is handled.

30. Labonte teaches (fig. 6) the timer functioning on layer 3. It would have been obvious to one of ordinary skill in the art to adapt to Moon's system the use layer 3 for operation of the timer to allow the network to be able to control the timer and not the data transmission.

Response to Arguments

31. Applicant's arguments with respect to claims 1-9, 11-15, 17-21, 24-27 and 29-34 have been considered but are moot in view of the new ground(s) of rejection.

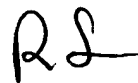
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Conclusion


32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Shand
Examiner
Art Unit 2616



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